



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2021-0075; FRL-9361-01-R4]

#### **Air Plan Approval; Alabama; Update to Materials Incorporated by Reference**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Alabama State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by Alabama and approved by EPA. EPA is also notifying the public of corrections to the Code of Federal Regulations (CFR) tables that identify material incorporated by reference into the Alabama SIP. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

**DATES:** This action is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** The SIP materials whose incorporation by reference into 40 CFR part 52 is finalized through this action are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; and [www.regulations.gov](https://www.regulations.gov). To view the materials at the Region 4 Office, EPA requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia

30303-8960. Ms. LaRocca can be reached via telephone at (404) 562-8994 and via electronic mail at [larocca.sarah@epa.gov](mailto:larocca.sarah@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52 – “Approval and Promulgation of Implementation Plans,” Title 40 of the Code of Federal Regulations (40 CFR Part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52 but is “incorporated by reference.” This means that EPA has approved a given state regulation or specified changes to a given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on proposed revisions containing new and/or revised regulations. A submission from a state can revise one or more rules in their entirety or portions of rules. The state indicates the changes in the submission (such as by using redline/strikethrough text) and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification

Number, which is listed in each action. These dockets and the complete submission are available for viewing on [www.regulations.gov](http://www.regulations.gov).

On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each state SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain "SIP Compilations" that contain the federally approved regulations and source-specific permits submitted by each state agency. EPA generally updates these SIP Compilations on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the *Federal Register* notifying the public that updates have been made to a SIP Compilation for a particular state. EPA began applying the 1997 revised procedures to Alabama on December 22, 1998, and is providing this notice in accordance with such procedures. *See* 63 FR 70669.

## **II. EPA Action**

In this action, EPA is providing notice of an update to the materials incorporated by reference into the Alabama SIP as of August 31, 2022 and identified in 40 CFR 52.50(c) and (d). This update includes SIP materials approved by EPA since the last IBR update. *See* 83 FR 13658 (March 30, 2018). In addition, EPA is providing notice of the following corrections to 40 CFR 52.50(c) and (d):

### **Changes Applicable to paragraph (c), EPA-Approved Alabama Regulations**

- A. Correcting the header of paragraph (c) from "*(c) EPA Approved Alabama Regulations*" to "*(c) EPA-Approved Alabama Regulations*"
- B. Correcting *Federal Register* citations throughout to reflect the beginning page of the preamble as opposed to that of the regulatory text

- C. Correcting a typographical error under Section 335-3-5-.01, by changing the title, “Fuel Combustions” to “Fuel Combustion”
- D. Correcting a typographical error under Section 335-3-5-.10, by changing the title, “TR SO<sub>2</sub> Trading Program – computation of time” to “TR SO<sub>2</sub> Trading Program – Computation of Time”
- E. Correcting Section 335-3-6-.17, by changing the title, “Manufacture of Pneumatic Tires” to read “Manufacture of Pneumatic Rubber Tires”
- F. Correcting Section 335-3-6-.34, by changing the title, “Cutback Asphalt” to “Cutback and Emulsified Asphalt”
- G. Revising Section 335-3-6-.38, by changing the title, “Manufacture of Pneumatic Tires” to “Reserved,” the state effective date from “6/22/1989” to “7/31/1991”, and by changing the EPA approval date from “3/19/1990, 55 FR 10062” to “9/27/1993, 58 FR 50262”
- H. Revising Section 335-3-6-.42, by changing the title, “Leaks from Petroleum Refinery Equipment” to “Reserved,” the state effective date from “10/15/1996,” to “7/31/1991”, and by changing the EPA approval date from “6/6/1997, 62 FR 30991” to “9/27/1993, 58 FR 50262”
- I. Revising Section 335-3-6-.46, by changing the title, “Aerospace Assembly and Component and Component Coatings Operation” to “Reserved,” the state effective date from “6/22/1989” to “7/31/1991”, and by changing the EPA approval date from “6/6/1997, 62 FR 30991” to “9/27/1993, 58 FR 50262”
- J. Correcting a typographical error under Section 335-3-6-.47, by changing the title from “Leaks from Coke by-Product Recovery Plant Equipment” to “Leaks From Coke By-product Recovery Plant Equipment”
- K. Correcting a typographical error under Section 335-3-6-.48, by changing the title from “Emissions from Coke by-Product Recovery Plant Coke Oven Gas Bleeder” to “Emissions From Coke By-product Recovery Plant Coke Oven Gas Bleeder”

- L. Correcting a typographical error under Section 335-3-7-.01, by changing title from “Metals Productions” to “Metals Production”
- M. Correcting a typographical error under Section 335-3-9-.01, by changing the title from “Visible Emission Restriction for Motor Vehicles” to “Visible Emission Restrictions for Motor Vehicles”
- N. Amending Section 335-3-13-.01 as follows:
1. Changing the title from “General” to “Definitions”
  2. Changing the state effective date from "10/15/1996" to “2/28/1978”
  3. Changing the EPA approval date from “6/6/1997, 62 FR 30991” to “2/22/1982, 47 FR 7666”
- O. Correcting Section 335-3-13-.04, by changing the title from “Superphosphoric Acid Plants” to “Triple Superphosphate Plants”
- P. Correcting Section 335-3-14-.04, by changing the title from “Air Permits Authorizing Construction in in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)] to “Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)]”

**Changes Applicable to paragraph (d), EPA-Approved Alabama Source-Specific Requirements**

- A. Correcting the header of paragraph (d) from “(d) *EPA approved Alabama source specific requirements*” to “(d) *EPA-Approved Alabama Source-Specific Requirements*”
- B. Correcting Table (d)’s title from “EPA Approved Alabama Source Specific Requirements” to “EPA-Approved Alabama Source Specific Requirements”

**III. Good Cause Exemption**

EPA has determined that this action falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an

agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs, makes typographical/ministerial revisions to the tables in the CFR, and makes ministerial changes to the prefatory heading to the tables in the CFR. Under section 553(b)(3)(B) of the APA, an agency may find good cause where procedures are “impracticable, unnecessary, or contrary to the public interest.” Public comment for this administrative action is “unnecessary” and “contrary to the public interest” since the codification (and corrections) only reflect existing law. Immediate notice of this action in the *Federal Register* benefits the public by providing the public notice of the updated Alabama SIP Compilation and notice of corrections to the Alabama “Identification of Plan” portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR “Identification of plan” section (which includes table entry corrections).

#### **IV. Incorporation by Reference**

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of previously EPA-approved regulations promulgated by Alabama and federally effective prior to August 31, 2022. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### **V. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided they meet the criteria of the CAA. Accordingly, this final rule and notification of

administrative change does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of

Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the *Federal Register*. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

EPA also believes that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Alabama SIP Compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA believes judicial review of this action under section 307(b)(1) of the CAA is not available.



**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 9, 2023.

**Daniel Blackman,**  
*Regional Administrator,*  
*Region 4.*

40 CFR part 52, is amended as follows:

## **PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority for citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 et seq.

### **Subpart B—Alabama**

2. § 52.50, paragraphs (b), (c), and (d), are revised to read as follows:

#### **§ 52.50 Identification of plan.**

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 31, 2022, for Alabama was approved for incorporation by reference by the Director of the *Federal Register* in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Materials are incorporated as it exists on the date of the approval and notice of any change in the material will be published in the *Federal Register*. Entries in paragraphs (c) and (d) of this section with EPA approval dates after August 31, 2022, for Alabama will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303. To obtain the material, please call (404) 562-9022. You may also inspect the material with an EPA approval date prior to August 31, 2021, for Alabama, at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, please email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) *EPA-Approved Alabama Regulations.*

**Table 1 to paragraph (c) -- EPA-Approved Alabama Regulations**

<b>State citation</b>	<b>Title/subject</b>	<b>State effective date</b>	<b>EPA approval date</b>	<b>Explanation</b>
<b>Chapter No. 335-1-1 Organization</b>				
Section 335-1-1-.03	Organization and Duties of the Commission	12/8/2017	7/6/2018, 83 FR 31454	
Section 335-1-1-.04	Organization of the Department	12/8/2017	7/6/2018, 83 FR 31454	
<b>Chapter No. 335-3-1 General Provision</b>				
Section 335-3-1-.01	Purpose	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-1-.02	Definitions	4/13/2020	9/21/2020, 85 FR 59192	
Section 335-3-1-.03	Ambient Air Quality Standards	10/13/1998	3/1/1999, 64 FR 9918	
Section 335-3-1-.04	Monitoring, Records, and Reporting	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-1-.05	Sampling and Testing Methods	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-1-.06	Compliance Schedule	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-1-.07	Maintenance and Malfunctioning of Equipment; Reporting	10/15/1989	3/19/1990, 55 FR 10062	
Section 335-3-1-.08	Prohibition of Air Pollution	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-1-.09	Variances	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-1-.10	Circumvention	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-1-.11	Severability	10/15/1996	6/6/1997, 62 FR 30991	

Section 335-3-1-.12	Bubble Provision	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-1-.13	Credible Evidence	4/13/1999	11/3/1999, 64 FR 59633	
Section 335-3-1-.15	Emissions Inventory Reporting Requirements	4/3/2003	4/24/2003, 68 FR 20077	
<b>Chapter No. 335-3-2 Air Pollution Emergency</b>				
Section 335-3-2-.01	Air Pollution Emergency	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-2-.02	Episode Criteria	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-2-.03	Special Episode Criteria	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-2-.04	Emission Reduction Plans	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-2-.05	Two Contaminant Episode	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-2-.06	General Episodes	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-2-.07	Local Episodes	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-2-.08	Other Sources	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-2-.09	Other Authority Not Affected	6/22/1989	3/19/1990, 55 FR 10062	
<b>Chapter No. 335-3-3 Control of Open Burning and Incineration</b>				
Section 335-3-3-.01	Open Burning	1/22/2008	9/15/2008, 73 FR 53134	
Section 335-3-3-.02	Incinerators	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-3-.03	Incineration of Wood, Peanut, and Cotton Ginning Waste	8/10/2000	12/8/2000, 65 FR 76938	

**Chapter No. 335-3-4 Control of Particulate Emissions**

Section 335-3-4-.01	Visible Emissions	9/30/2008	10/15/2008, 73 FR 60957	
Section 335-3-4-.02	Fugitive Dust and Fugitive Emissions	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.03	Fuel Burning Equipment	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.04	Process Industries - General	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.05	Small Foundry Cupola	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-4-.06	Cotton Gins	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-4-.07	Kraft Pulp Mills	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.08	Wood Waste Boilers	6/9/2017	10/13/2017, 82 FR 47631	
Section 335-3-4-.09	Coke Ovens	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-4-.10	Primary Aluminum Plants	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-4-.11	Cement Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.12	Xylene Oxidation Process	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-4-.13	Sintering Plants	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-4-.14	Grain Elevators	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.15	Secondary Lead Smelters	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-4-.17	Steel Mills Located in Etowah County	10/15/1996	6/6/1997, 62 FR 30991	

Chapter No. 335-3-5 Control of Sulfur Compound Emissions				
Section 335-3-5-.01	Fuel Combustion	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-5-.02	Sulfuric Acid Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-5-.03	Petroleum Production	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-5-.04	Kraft Pulp Mills	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-5-.05	Process Industries - General	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-5-.06	TR SO <sub>2</sub> Trading Program – Purpose and Definitions	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.07	TR SO <sub>2</sub> Trading Program - Applicability	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.08	TR SO <sub>2</sub> Trading Program – Retired Unit Exemption	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.09	TR SO <sub>2</sub> Trading Program – Standard Requirements	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.10	TR SO <sub>2</sub> Trading Program – Computation of Time	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.11	Administrative Appeal Procedures	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.12	SO <sub>2</sub> Trading Budgets and Variability Limits	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.13	TR SO <sub>2</sub> Allowance Allocations	12/7/2018	3/12/2020, 85 FR 14418	
Section 335-3-5-.14	Authorization of Designated Representative and Alternate Designated Representative	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-	Responsibilities of Designated	11/24/2015	8/31/2016,	

5-.15	Representative and Alternate Designated Representative		81 FR 59869	
Section 335-3-5-.16	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.17	Certificate of Representation	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.18	Objections Concerning Designated Representative and Alternate Designated Representative	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.19	Delegation by Designated Representative and Alternate Designated Representative	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.21	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.22	Recordation of TR SO <sub>2</sub> Allowance Allocations and Auction Results	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.23	Submission of TR SO <sub>2</sub> Allowance Transfers	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.24	Recordation of TR SO <sub>2</sub> Allowance Transfers	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.25	Compliance with TR SO <sub>2</sub> Emissions Limitation	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.26	Compliance with TR SO <sub>2</sub> Assurance Provisions	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.27	Banking	11/24/2015	8/31/2016, 81 FR 59869	
Section	Account Error	11/24/2015	8/31/2016,	

335-3-5-.28			81 FR 59869	
Section 335-3-5-.29	Administrator's Action on Submissions	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.31	General Monitoring, Recordkeeping, and Reporting Requirements	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.32	Initial Monitoring System Certification and Recertification Procedures	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.33	Monitoring System Out-of-Control Periods	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.34	Notifications Concerning Monitoring	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.35	Recordkeeping and Reporting	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-5-.36	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements	11/24/2015	8/31/2016, 81 FR 59869	
<b>Chapter No. 335-3-6 Control of Organic Emissions</b>				
Section 335-3-6-.01	Applicability	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.02	VOC Water Separation	4/15/1987	9/27/1993, 58 FR 50262	
Section 335-3-6-.03	Loading and Storage of VOC	4/15/1987	9/27/1993, 58 FR 50262	
Section 335-3-6-.04	Fixed-Roof Petroleum Liquid Storage Vessels	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.05	Bulk Gasoline Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.06	Bulk Gasoline Terminals	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-	Gasoline Dispensing Facilities - Stage I	10/15/1996	6/6/1997,	



6-.07			62 FR 30991	
Section 335-3-6-.08	Petroleum Refinery Sources	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-6-.09	Pumps and Compressors	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-6-.10	Ethylene Producing Plants	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-6-.11	Surface Coating	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.12	Solvent Metal Cleaning	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.13	Cutback Asphalt	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.14	Petition for Alternative Controls	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-6-.15	Compliance Schedules	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.16	Test Methods and Procedures	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-6-.17	Manufacture of Pneumatic Rubber Tires	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.18	Manufacture of Synthesized Pharmaceutical Products	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.20	Leaks from Gasoline Tank Trucks and Vapor Collection Systems	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.21	Leaks from Petroleum Refinery Equipment	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.22	Graphic Arts	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.23	Petroleum Liquid Storage in External Floating Roof Tanks	10/15/1996	6/6/1997, 62 FR 30991	
Section	Applicability	10/15/1996	6/6/1997,	

335-3-6-.24			62 FR 30991	
Section 335-3-6-.25	VOC Water Separation	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-6-.26	Loading and Storage of VOC	4/15/1987	9/27/1993, 58 FR 50262	
Section 335-3-6-.27	Fixed-Roof Petroleum Liquid Storage Vessels	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.28	Bulk Gasoline Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.29	Gasoline Terminals	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.30	Gasoline Dispensing Facilities Stage 1	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.31	Petroleum Refinery Sources	4/15/1987	9/27/1993, 58 FR 50262	
Section 335-3-6-.32	Surface Coating	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.33	Solvent Metal Cleaning	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.34	Cutback and Emulsified Asphalt	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.35	Petition for Alternative Controls	4/15/1987	9/27/1993, 58 FR 50262	
Section 335-3-6-.36	Compliances Schedules	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.37	Test Methods and Procedures	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.38	Reserved	7/31/1991	9/27/1993, 58 FR 50262	
Section 335-3-6-.39	Manufacture of Synthesized Pharmaceutical Products	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-	Leaks from Gasoline Tank Trucks and	10/15/1996	6/6/1997, 62 FR 30991	

6-.41	Vapor Collection Systems			
Section 335-3-6-.42	Reserved	7/31/1991	9/27/1993, 58 FR 50262	
Section 335-3-6-.43	Graphic Arts	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.44	Petroleum Liquid Storage in External Floating Roof Tanks	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.45	Large Petroleum Dry Cleaners	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.46	Reserved	7/31/1991	9/27/1993, 58 FR 50262	
Section 335-3-6-.47	Leaks From Coke By-product Recovery Plant Equipment	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.48	Emissions From Coke By-product Recovery Plant Coke Oven Gas Bleeder	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.49	Manufacture of Laminated Countertops	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.50	Paint Manufacture	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-6-.53	List of EPA Approved and Equivalent Test Methods and Procedures for the Purpose of Determining VOC Emissions	10/15/1996	6/6/1997, 62 FR 30991	
<b>Chapter No. 335-3-7 Carbon Monoxide Emissions</b>				
Section 335-3-7-.01	Metals Production	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-7-.02	Petroleum Processes	6/22/1989	3/19/1990, 55 FR 10062	

Chapter No. 335-3-8 Control of Nitrogen Oxide Emissions				
Section 335-3-8-.01	Standards for Portland Cement Kilns	4/6/2001	7/17/2001, 66 FR 36919	
Section 335-3-8-.02	Nitric Acid Manufacturing	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-8-.03	NO <sub>x</sub> Emissions from Electric Utility Generating Units	10/24/2000	11/7/2001, 66 FR 56223	
Section 335-3-8-.04	Standards for Stationary Reciprocating Internal Combustion Engines	3/22/2005	12/28/2005, 70 FR 76694	
Section 335-3-8-.05	New Combustion Sources	1/16/2012	7/7/2021, 86 FR 35610	
Section 335-3-8-.07	TR NO <sub>x</sub> Annual Trading Program - Purpose and Definitions	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.08	TR NO <sub>x</sub> Annual Trading Program - Applicability	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.09	TR NO <sub>x</sub> Annual Trading Program - Retired Unit Exemption	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.10	TR NO <sub>x</sub> Annual Trading Program - Standard Requirements	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.11	TR NO <sub>x</sub> Annual Trading Program - Computation of Time	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.12	Administrative Appeal Procedures	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.13	NO <sub>x</sub> Annual Trading Budgets and Variability Limits	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.14	TR NO <sub>x</sub> Annual Allowance Allocations	12/7/2018	3/12/2020, 85 FR 14418	
Section 335-3-8-.16	Authorization of Designated Representative and Alternate Designated	11/24/2015	8/31/2016, 81 FR 59869	

	Representative			
Section 335-3-8-.17	Responsibilities of Designated Representative and Alternate Designated Representative	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.18	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.19	Certificate of Representation	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.20	Objections Concerning Designated Representative and Alternate Designated Representative	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.21	Delegation by Designated Representative and Alternate Designated Representative	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.23	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.24	Recordation of TR NO <sub>x</sub> Annual Allowance Allocations and Auction Results	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.25	Submission of TR NO <sub>x</sub> Annual Allowance Transfers	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.26	Recordation of TR NO <sub>x</sub> Annual Allowance Transfers	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.27	Compliance with TR NO <sub>x</sub> Annual Emissions Limitation	11/24/2015	8/31/2016, 81 FR 59869	

Section 335-3-8-.28	Compliance with TR NO <sub>x</sub> Annual Assurance Provisions	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.29	Banking	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.30	Account Error	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.31	Administrator's Action on Submissions	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.33	General Monitoring, Recordkeeping, and Reporting Requirements	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.34	Initial Monitoring System Certification and Recertification Procedures	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.35	Monitoring System Out-of-Control Periods	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.36	Notifications Concerning Monitoring	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.37	Recordkeeping and Reporting	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.38	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements	11/24/2015	8/31/2016, 81 FR 59869	
Section 335-3-8-.39	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program - Purpose and Definitions	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.40	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program – Applicability	10/5/2018	3/12/2020, 85 FR 14418	
Section 335-3-8-.41	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program - Retired Unit Exemption	6/9/2017	10/6/2017, 82 FR 46674	

Section 335-3-8-.42	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program - Standard Requirements	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.43	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program - Computation of Time	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.44	Administrative Appeal Procedures	11/24/2015	10/6/2017, 82 FR 46674	
Section 335-3-8-.45	NO <sub>x</sub> Ozone Season Group 2 Trading Budgets and Variability Limits	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.46	TR NO <sub>x</sub> Ozone Season Group 2 Allowance Allocations	12/7/2018	3/12/2020, 85 FR 14418	
Section 335-3-8-.48	Authorization of Designated Representative and Alternate Designated Representative	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.49	Responsibilities of Designated Representative and Alternate Designated Representative	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.50	Changing Designated Representative and Alternate Designated Representative; Changes in Owners and Operators; Changes in Units at the Source	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.51	Certificate of Representation	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.52	Objections Concerning Designated Representative and Alternate Designated Representative	6/9/2017	10/6/2017, 82 FR 46674	

Section 335-3-8-.53	Delegation by Designated Representative and Alternate Designated Representative	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.55	Establishment of Compliance Accounts, Assurance Accounts, and General Accounts	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.56	Recordation of TR NO <sub>x</sub> Ozone Season Group 2 Allowance Allocations and Auction Results	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.57	Submission of TR NO <sub>x</sub> Ozone Season Group 2 Allowance Transfers	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.58	Recordation of TR NO <sub>x</sub> Ozone Season Group 2 Allowance Transfers	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.59	Compliance with TR NO <sub>x</sub> Ozone Season Group 2 Emissions Limitation	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.60	Compliance with TR NO <sub>x</sub> Ozone Season Group 2 Assurance Provisions	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.61	Banking	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.62	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program - Account Error	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.63	TR NO <sub>x</sub> Ozone Season Group 2 Trading Program - Administrator's Action on Submissions	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.65	General Monitoring, Recordkeeping, and Reporting Requirements	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.66	Initial Monitoring System Certification and Recertification	6/9/2017	10/6/2017, 82 FR 46674	



	Procedures			
Section 335-3-8-.67	Monitoring System Out-of-Control Periods	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.68	Notifications Concerning Monitoring	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.69	Recordkeeping and Reporting	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.70	Petitions for Alternatives to Monitoring, Recordkeeping, or Reporting Requirements	6/9/2017	10/6/2017, 82 FR 46674	
Section 335-3-8-.71	NOx Budget Program	4/13/2020	7/7/2021, 86 FR 35610	
Section 335-3-8-.72	NOx Budget Program Monitoring and Reporting	12/13/2021	7/11/2022, 87 FR 41061	
<b>Chapter No. 335-3-9 Control of Emissions from Motor Vehicles</b>				
Section 335-3-9-.01	Visible Emission Restrictions for Motor Vehicles	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-9-.02	Ignition System and Engine Speed	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-9-.03	Crankcase Ventilation Systems	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-9-.04	Exhaust Emission Control Systems	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-9-.05	Evaporative Loss Control Systems	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-9-.06	Other Prohibited Acts	8/10/2000	12/8/2000, 65 FR 76938	
Section 335-3-9-.07	Effective Date	10/15/1996	6/6/1997, 62 FR 30991	
<b>Chapter No. 335-3-12 Continuous Monitoring Requirements for Existing Sources</b>				
Section 335-3-12-.01	General	6/22/1989	3/19/1990, 55 FR 10062	

Section 335-3-12-.02	Emission Monitoring and Reporting Requirements	2/17/1998	9/14/1998, 63 FR 49005	
Section 335-3-12-.03	Monitoring System Malfunction	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-12-.04	Alternate Monitoring and Reporting Requirements	6/22/1989	3/19/1990, 55 FR 10062	
Section 335-3-12-.05	Exemptions and Extensions	6/22/1989	3/19/1990, 55 FR 10062	
<b>Chapter No. 335-3-13 Control of Fluoride Emissions</b>				
Section 335-3-13-.01	Definitions	2/28/1978	2/22/1982, 47 FR 7666	
Section 335-3-13-.02	Superphosphoric Acid Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-13-.03	Diammonium Phosphate Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-13-.04	Triple Superphosphate Plants	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-13-.05	Granular Triple Superphosphoric Storage Facilities	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-13-.06	Wet Process Phosphoric Acid Plants	10/15/1996	6/6/1997, 62 FR 30991	
<b>Chapter No. 335-3-14 Air Permits</b>				
Section 335-3-14-.01	General Provisions	6/9/2017	12/14/2018, 83 FR 64285	
Section 335-3-14-.02	Permit Procedures	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-14-.03	Standards for Granting Permits	5/23/2011	9/26/2012, 77 FR 59100	
Section 335-3-14-.04	Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant	10/5/2018	7/3/2019, 84 FR 31741	Except for changes to 335-3-14-.04(2)(w)1., state effective July 11, 2006,

	Deterioration Permitting (PSD)]			<p>which lists a 100 ton per year significant net emissions increase for regulated NSR pollutants not otherwise specified at 335-3-14-.04(2)(w). Except for the significant impact levels at 335-3-14-.04(10)(b) which were withdrawn from EPA consideration on October 9, 2014. Except for the second sentence of paragraph 335-3-14-.04(2)(bbb)2., as well as the second and fourth sentences of paragraph 335-3-14-.04(2)(bbb)3., which include changes from the vacated federal ERP rule and were withdrawn from EPA consideration by the State on May 5, 2017.</p>
Section 335-3-14-.05	Air Permits Authorizing Construction in or Near Nonattainment Areas	6/9/2017	12/14/2018, 83 FR 64285	<p>With the exception of: The portion of 335-3-14-.05(1)(k) stating</p>

				<p>“excluding ethanol production facilities that produce ethanol by natural fermentation”; and 335-3-14-.05(2)(c)3 (addressing fugitive emission increases and decreases). Also with the exception of the state-withdrawn elements: 335-3-14-.05(1)(h) (the actual-to-potential test for projects that only involve existing emissions units); the last sentence at 335-3-14-.05(3)(g), stating “Interpollutant offsets shall be determined based upon the following ratios”; and the NNSR interpollutant ratios at 335-3-14-.05(3)(g)1-4.</p>
<b>Chapter No. 335-3-15 Synthetic Minor Operating Permits</b>				
Section 335-3-15-.01	Definitions	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-15-.02	General Provisions	8/10/2000	12/8/2000, 65 FR 76938	

Section 335-3-15-.03	Applicability	11/23/1993	10/20/1994, 59 FR 52916	
Section 335-3-15-.04	Synthetic Minor Operating Permit Requirements	10/15/1996	6/6/1997, 62 FR 30991	
Section 335-3-15-.05	Public Participation	6/9/2017	12/14/2018, 83 FR 64285	
<b>Chapter No. 335-3-17 Conformity of Federal Actions to State Implementation Plans</b>				
Section 335-3-17-.01	Transportation Conformity	5/28/2013	10/12/2017, 82 FR 47383	
Section 335-3-17-.02	General Conformity	5/23/2011	9/26/2012, 77 FR 59100	

*(d) EPA-Approved Alabama Source-Specific Requirements.*

**Table 2 to paragraph (d) -- EPA-Approved Alabama Source-Specific Requirements**

<b>Name of source</b>	<b>Permit No.</b>	<b>State effective date</b>	<b>EPA approval date</b>	<b>Explanation</b>
Lafarge Cement Kiln	AB70004_1_01	2/6/2008	7/30/2009, 74 FR 37945	Certain provisions of the permit.
Lehigh Cement Kiln	4-07-0290-03	2/6/2008	7/30/2009, 74 FR 37945	Certain provisions of the permit.

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